

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOEY KIMBROUGH,

Plaintiff,

v.

Case No. 1:22-cv-01993-TWP-MJD

**NOTICE OF STATUS OF
ARBITRATION PROCEEDINGS**

AMERICAN EXPRESS COMPANY AKA
AMERICAN EXPRESS NATIONAL BANK

and

TRANS UNION LLC,

Defendants.

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Pursuant to the Court's Order on Motion to Compel Arbitration [ECF No. 49] and the Court's Order Staying Proceedings Pending Arbitration and Dismissing Pending Motion Without Prejudice [ECF No. 50] (together, the "Orders"), Defendant American Express National Bank ("American Express") states the following:

1. Pursuant to the Court's Orders [ECF Nos. 49 & 50], American Express must file a "Notice setting forth the status of the arbitration proceedings on or before Friday, January 5, 2024, and every thirty (30) days thereafter."

2. On January 5, 2024, American Express filed a Notice of Status of Arbitration Proceedings. [ECF No. 78.]

3. On January 17, 2024, the United States Court of Appeals for the Seventh Circuit issued its mandate on the dismissal of Plaintiff's appeal, No. 23-2911, and its mandate on the dismissal of Plaintiff's appeal, No. 23-2912. [ECF Nos. 82 & 83.]

4. On February 5, 2024, American Express filed a Notice of Status of Arbitration Proceedings. [ECF No. 84.]

5. On March 6, 2024, American Express filed a Notice of Status of Arbitration Proceedings. [ECF No. 86.]

6. On April 5, 2024, American Express filed a Notice of Status of Arbitration Proceedings. [ECF No. 88.]

7. On May 6, 2024, American Express filed a Notice of Status of Arbitration Proceedings. [ECF No. 90.]

8. Plaintiff confirmed to Magistrate Judge Dinsmore that he had not yet initiated arbitration proceedings during the Status Conference held on May 30, 2024. [ECF No. 97.]

9. On June 5, 2024, American Express filed a Notice of Status of Arbitration Proceedings. [ECF No. 99.]

10. On June 11, 2024, the Court entered an Order requiring the following: “Plaintiff shall initiate arbitration proceedings against Defendant by July 19, 2024, and shall file a notice confirming that he has done so by no later than July 26, 2024.” [ECF No. 102.]

11. On July 5, 2024, American Express filed a Notice of Status of Arbitration Proceedings. [ECF No. 103.]

12. On August 2, 2024, American Express filed a Notice of Status of Arbitration Proceedings. [ECF No. 109.]

13. To date, undersigned counsel for American Express has not received notice that Plaintiff has commenced arbitration proceedings.

14. American Express will file another Notice setting forth the status of the arbitration proceedings in thirty (30) days pursuant to the Court’s Orders [ECF Nos. 49 & 50].

Dated: September 3, 2024.

Respectfully submitted,

By: /s/ Adam R. Hoock
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*Attorneys for Defendant American
Express National Bank*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 3, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and certify that a true and correct copy of the foregoing was provided to all parties and counsel of record, including: joeykokomo2002@yahoo.com.

/s/ Adam R. Hoock
Attorney